

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

UNITED STATES OF AMERICA )  
                                )  
                                )  
                                ) Case No. 2:13CR00002-003  
v.                            )  
                                )  
                                ) **OPINION AND ORDER**  
                                )  
**JIMMY WILLIAM McCANN,**     )  
                                ) By: James P. Jones  
                                ) United States District Judge  
                                Defendant. )

*Jimmy William McCann, Pro Se.*

This matter is before the court on the defendant's pro se motion for preparation of the transcripts of his sentencing hearing and Rule 11 hearing in 2013 without charge. In his motion, McCann averred that he intended to seek habeas corpus relief and accordingly needed copies of the transcripts. After review of his motion, I find that it must be denied.

Under certain circumstances, an indigent person may obtain copies of court documents related to his criminal prosecution at public expense if he can show that he is pursuing some non-frivolous action in federal court and that the items requested are needed for just adjudication of such an action. See 28 U.S.C. § 753(f); *United States v. MacCollom*, 426 U.S. 317, 321-23 (1976); *Jones v. Superintendent, Va. State Farm*, 460 F.2d 150, 152-53 (4th Cir. 1972). He must

also show that he has applied for, and has been granted, in forma pauperis status to proceed with a habeas action. 28 U.S.C. § 753(f).

Because McCann has not provided any indication of the basis for his averred habeas corpus action, I cannot find that he has shown that he is pursuing a non-frivolous action. He also has not shown that he has been granted in forma pauperis status.

For these reasons, it is **ORDERED** that McCann's motion (ECF No. 310) is DENIED.

ENTER: February 2, 2017

/s/ James P. Jones  
United States District Judge